

STATE FIRE PREVENTION COMMISSION
MINUTES
February 16, 2023

Members present: Edward S. Tochterman, Chairman
Kevin Simmons, Vice Chairman
Douglas Alexander
Mark Bilger
Emily Devan
Michael Faust
Randy Sanger
Daniel Stevens

Member Absent: Stacy Welch

The Fire Prevention Commission held a public meeting on February 16, 2023, at 10:00 a.m. at the Eastport Fire House in Annapolis.

Chairman Tochterman called the meeting to order. The Pledge of Allegiance was recited.

The Chairman recognized Matthew S. Helminiak, Commissioner of Labor and Industry with the Maryland Department of Labor, and Terin Hopkins, a Public Fire Protection Specialist with the National Fire Sprinkler Association (NFSA).

FIRE MARSHAL REPORT

In Calendar Year 2022, there were 64 confirmed fire fatalities; 48 associated with residential fires across the state; nine fatalities due to vehicle collisions involving fire; and seven fatalities in other settings. For 2022 fires, there are eight causes of death pending with the Office of the Chief Medical Examiner (OCME). To date in Calendar Year 2023, there are five confirmed deaths—three in residential structures, one due to vehicle collision, and one in another setting. For 2023 fires, there are seven causes of death pending with the OCME. There have already been two multiple-fatality fires this year. The year is not off to a good start.

Senior Deputy State Fire Marshal Kristen Nieberlein has retired from the agency after over fifteen years of service with the agency. She worked in the Western Region and at Headquarters. Well wishes were extended to her in retirement. There was a promotional exam recently for two Deputy Chief State Fire Marshal positions, one in Headquarters and one in the Western Region due to Chief Jason Mowbray's promotion. The top two candidates were offered the positions but have not yet accepted.

The National Fire Sprinkler Association recently reported that since the first adoption of sprinkler requirements for residential occupancies in Maryland there has been a 52% drop in residential fire deaths. Fire Marshal Geraci continues to promote and encourage the installation of residential sprinklers.

A departmental bill for probation and promotions for Deputy Fire Marshals would increase the probation period from six months to two years. Pay increases are currently capped at 6%. The bill addresses that cap. A hearing is scheduled for next Tuesday. The bill under review dealing with inspection of fire and smoke dampers and smoke control systems is coming out of the union that represents HVAC inspectors. There is a meeting tomorrow and the hearing next Tuesday. Code requirements would go away if the requirements in the bill are passed. The Maryland State Fireman's Association (MSFA) reception was a very good event. It was well attended and they did a lot of

educating. The Office of the State Fire Marshal (OSFM) team spoke to numerous senators and delegates to educate them on the OSFM. A flyer was distributed at the event outlining the OSFM's mission, focus, and priorities. The MSFA legislative meetings are held on Mondays and Fridays at the Taylor Avenue Fire Station in Annapolis.

The OSFM participated in Community Risk Reduction (CRR) week, January 16-22, 2023. Numerous social media posts were sent out during CRR week covering the five E's—Education, Engineering, Economic Incentive, Enforcement and Emergency Response.

The OSFM did a good job during the fourth quarter of 2022 with a total of 202 investigations—152 fires, 28 explosive, and 22 other. Nine criminal cases were closed with the arrest of ten persons. 2,402 inspections were conducted and 259 plans were reviewed.

Chairman Tochtermann inquired if there have been any issues with the new Garrett County Fire Marshal. Fire Marshal Geraci advised there were no issues.

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Fire Protection Engineer Ken Bush reported that the OSFM has a contractual part-time Fire Protection Engineer (FPE) named Steve Krone in the Western Region who also works for the City of Frederick. The full-time position is still open. There have been inquiries from potential applicants but nothing has solidified. There is also one open part-time contractual position for an FPE. Steve is doing a good job so far with other inspectors and deputies assisting. The FPE for the Eastern Shore is out on maternity leave. She is due in April.

FPE Harry Bradley reports that \$600,000,000 has been appropriated to upgrade the Oriole Park and M&T Bank stadiums in Baltimore. The OSFM will be the fire authority for these projects. The Maryland Stadium Authority in conjunction with the OSFM is also working on four high school projects, two in Baltimore City and two in Montgomery County. No decision has yet been made on whether the local authorities will be handling other upcoming school projects.

The light rail purple line project from New Carrollton to Bethesda is back under construction after being dormant for some time after a contractor withdrew from the project. Some portions are below grade, such as Bethesda. The Silver Spring line is above grade. There are several fire protection issues with emergency egress, traction power stations, and lithium battery storage. The battery storage issue is being addressed through the fire code under NFPA 855.

There is no news to report on the adoption of the proposed amendments to the State Fire Prevention Code. The Department of State Police has still not published the proposal in the *Maryland Register*.

CHAIRMAN REPORT

Chairman Tochtermann reported the Commission's expenses from October 1, 2022, to December 31, 2022, totaled \$628.65 that included \$251 for the stenographer and transcript. The balance was transportation for the Commissioners.

The Chairman received a call from the Superintendent's Chief of Staff James Hock. The Chairman asked about the status of the fire code adoption and reviewed with him what Assistant Attorney General Susan Baron had said at the December meeting—that the adoption and publication of the regulations are in the hands of the Secretary of the State Police, to which the Chief of Staff agreed. The regulations have yet to be published in the *Maryland Register*.

The Chairman verified with Mr. Hock that the Governor deleted five of the ten inspector positions for the OSFM. Five positions remain fully funded, including automobiles and outfitting the inspectors.

Commissioner Welch continues to serve past the expiration of her second term. Commissioner Alexander has indicated that he will be leaving due to some physical problems and his doctor's order that he needs to delete some of the responsibilities from his life. Both Commissioners offered some names as possible replacements. The Governor's appointment office is sometimes slow in filling vacancies. Mr. Hock's position on this was different and he encourages anyone interested to apply as soon as possible. The Chairman shared that information with Commissioner Welch yesterday and with Commissioner Alexander today. Commissioner Alexander's friend has applied, and his application is in process. Vice Chairman Simmons has yet to decide if he will seek reappointment.

Chairman Tochtermann inquired with Commissioner Bilger if the MSFA has made a decision on publishing the new *Maryland Fire Laws* book. Commissioner Bilger, who is a member of the MSFA which is responsible for overseeing publication, advised that the MSFA does not want to spend \$40,000 to publish a book that will be immediately out of date since the 2021 NFPA codes have not yet been adopted and the 2024 codes will be coming out at the end of this year. The book will not be published at this time.

Commissioner Bilger expressed concern about the viability of the Fire Prevention Commission and the adoption of the new Fire Prevention Code regulations. The Commission's recommendation for the appointment of the Fire Marshal position when it came due years ago was ignored. The Chairman's conversations with Chief of Staff Hock is encouraging.

The annual financial disclosure forms must be filed with the State Ethics Commission. The Chairman directed the Commissioners to send their filing confirmation numbers to Secretary Ritchie after filing. It is believed the deadline is April 30th.

Chairman Tochtermann entertained any motion to table or remove from the table the discussion on the International Association of Arson Investigators (IAAI) training proposal for the OSFM. No motion was made either way on the subject.

Vice-Chairman Simmons reported that the new Governor's inauguration was sensational with 33 agencies and over 1,000 people involved. The Vice-Chairman recognized Chief Jason Mowbray and Deputy Chief Duane Svites who attended the inauguration.

OTHER BUSINESS

Commissioner Alexander apologized for missing the last meeting but he was not feeling well that day. One person has applied to fill his soon-to-be vacancy on the Commission. Apparently, no appointments will be considered until March 1st. Another person has also expressed an interest and Commissioner Alexander referred him to the Chairman.

Commissioner Bilger reported the Life Safety Conference steering committee is meeting today as we speak by Zoom. Deputy Joe Walters put together a new format and assigned duties to committee members with timelines. They have communicated with potential speakers. The conference will be on September 19, 2023, at the Johns Hopkins Applied Physics Lab. A Chief Jimmy Jarboe Award will be added this year. The facility has a new caterer. Commissioner Bilger will communicate with the caterer to discuss breakfast and lunch options.

Commissioner Devan, who arrived late, inquired if there was any additional information on the issue of certification and professional requirements that was tabled at the last meeting. There had been some conflicting information and the issue was not clear. If no new information is available, she does not feel the Commission is in a position to vote on it. Fire Marshal Geraci responded that there are three certifications: ProBoard; the National Association of Fire Investigators (NAFI); and the International Association of Arson Investigators (IAAI). The proposed recommendations are coming from the workgroup that reviewed the certification and professional requirements. He stated existing employees will not be forced to obtain the certifications and no funds are specifically budgeted for this. ProBoard is just ProBoard. It recognizes IAAI certifications. For the NAFI certification, all you have to do is pass a test on *NFPA 921 Fire Investigations Guide*.

Commissioner Alexander went to two workgroup meetings. He feels that since it is a guideline and not a requirement, it creates a good baseline level of proficiency. There would be a lot more solidarity and stability in investigations with new investigators receiving training and certification and older investigators staying up to date.

Commissioner Faust made a motion to discuss the issue, second by Commissioner Alexander, and unanimously carried.

In response to inquiries from Commissioner Stevens, who attended one work group meeting after Commissioner Alexander was unable to continue, Fire Marshal Geraci reported no cost/benefit analysis was done and the policy for continuing education was discussed with OSFM staff. The Fire and Explosives Advisory Workgroup was created at the recommendation of the Commission, not the Fire Marshal. It was noted that the policy would apply to all investigative units in the State. Fire Marshal Geraci will be meeting with representatives of all the investigative units in the State later this month and will recommend that they also implement the policy. Larger jurisdictions most likely will, but some smaller ones may not. If the Commission supports it, some jurisdictions may be more inclined to implement it. The Fire Marshal plans to issue a general order to require it for all new employees and progressive disciplinary action will be taken for those not doing so.

Commissioner Alexander noted that since the courses are not offered regularly a cost/benefit analysis may be difficult and it is not exceptionally expensive. Commissioner Stevens noted that Maryland's rate of closure is well above the national average and there is a lot of training with unknown costs, noting that the IAAI test is extremely difficult. Commissioner Stevens favors the ProBoard certification. The Fire Marshal stated there is not a lot of training, basic classes on testifying and cause and origin and he does not feel the test is that difficult.

Commissioner Faust made a motion for the OSFM to implement the training and certification program, second by Commissioner Sanger, and carried by a vote of six to two in favor. Commissioners Bilger and Stevens voted against implementation.

Commissioner Faust reported on the death of Richard Smith, a gentleman who was heavily involved in the National Fire Sprinkler Association and the Maryland Firemen's Association. He was a great guy and very knowledgeable.

Commissioner Faust is the Chair of a fundraiser for the upkeep of the Fire Rescue Memorial. The event will be held on September 23, 2023, at the Doubletree in Annapolis.

Commissioner Sanger made a motion to approve the minutes of the December 15, 2022 meeting, second by Commissioner Stevens and unanimously carried.

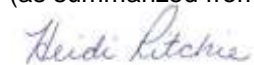
Commissioner of Labor and Industry Matthew Helminiak was present and reported that the 2021 codes have been published for public comment and proposed adoption to include the International Building Code, International Residential Code, International Energy Conservation Code, and International Green Construction Code.

Mr. Hopkins of NFSA reported on the tracking of the cost to retrofit high-rise buildings with sprinkler protection. In Maryland, the cost is about \$6 to \$10 per square foot, which includes the sprinkler, the fire alarm, and the pump. Estimating companies (who come up first in a Google search) estimate \$30 to \$35 per square foot. They are private, national estimating companies – not specific to Maryland. Their estimates do not come from sprinkler contractors in Maryland. The difference in the estimates is one to two million dollars (Maryland contractor) vs. five to six million dollars (national estimate). The high estimates cause panic among building owners and residents. He recommends referring questions about cost estimates to contractors, not to private estimating companies. There are four unsprinklered high-rises left in Baltimore City. Baltimore City follows the International Fire Code not NFPA 101. He does not know why estimates in Maryland are so high and is working on that. Private homeowners are being given estimates of \$40,000 for their unit that cost \$60,000 total to buy. Honolulu is \$8 to \$9 per square foot; Minneapolis is \$6 to \$10 per square foot. Obviously, every building is different. NFSA puts people in touch with fire sprinkler contractors. There are ridiculous numbers out there. NFSA has not reached out to the private estimating companies because it feels that it would not be appropriate; NFSA is not associated with them. The property owners have been trying to do the right thing, but unfortunately they have received very high estimates from the national estimating companies.

Next Meeting: Thursday April 20, 2023 — 10:00 am.
Location: To Be Determined

There being no further business, Commissioner Alexander made a motion to adjourn, second by Vice Chairman Simmons, and unanimously carried.

Respectfully submitted,
(as summarized from notes provided by Assistant Attorney General Baron),



Heidi Ritchie, Secretary